

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

BERGSTROM, INC.,

Plaintiff,

v.

Case No. 08-C-50078

GLACIER BAY, INC.,

Defendant.

PLAINTIFF BERGSTROM'S MOTION TO COMPEL DISCOVERY

Plaintiff Bergstrom, Inc., hereby moves the Court, pursuant to Federal Rule of Civil Procedure 37(a), for an order compelling the disclosure and production of a copy of each relevant revision of Glacier Bay's ClimaCab source code. The grounds for this motion are set forth in the attached supporting memorandum and Declaration of Paul J. Stockhausen.

Bergstrom's attorneys, Paul Stockhausen and Amy Lindner, participated in a telephone conference with counsel for Glacier Bay, including Kenneth Krosin and Mary Calkins, on Friday, December 11, 2009, at approximately 10:00 a.m. Central Time, in accordance with Local Rule 37.2. Despite Bergstrom's good faith attempt to resolve this conflict, Glacier Bay remains unwilling to produce the source code in compliance with Bergstrom's request.

In connection with the motion, Bergstrom requests the following:

1. An order compelling production of the responsive source code;

2. The costs and fees Bergstrom has incurred in bringing this motion;
and
3. Any further relief that the Court deems just and equitable.

Dated this 17th day of December, 2009.

s/ Jessica Hutson Polakowski
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Amy L. Lindner
Jessica Hutson Polakowski
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